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James Harrison, ed. *The European Union and South Korea: The Legal Framework for Strengthening Trade, Economic and Political Relations.* Edinburgh: Edinburgh University Press, 2013. 272 pp. $120.00 (cloth), ISBN 978-0-7486-6860-1.

Reviewed by Robert E. Kelly (Pusan National University)
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The Legalization of the EU-Korea Relationship

The European Union and South Korea: The Legal Framework for Strengthening Trade, Economic and Political Relations is a legal handbook on the two defining documents of the relationship between the European Union (EU) and the Republic of Korea: the "Framework Agreement" of 2010 and the recently concluded Free Trade Agreement (FTA), provisionally in force at this time. The book is an edited collection, based on a joint Korean-Scottish law school conference on FTA. The editor and press are both from Edinburgh. This helps account, perhaps, for the heavy EU bias in the essays.

The scope of the book, despite its wide-ranging title, is quite narrow and legalistic. This is a book written by international lawyers for international lawyers, and the rest of us will struggle. This is not accessible to laymen, and there is no meaningful introduction to the dense issues and legal terminology to be deployed. This is not a flaw in itself. Treaties are frequently large, complex and not internally inconsistent (the EU-Korea FTA is a staggering 1,100 pages), requiring heavy interpretive work such as this volume. The contributors are clearly experts. Indeed, they may be the legal experts on the Korean-EU legal framework, for the level of detail and interpretation they purvey is overwhelming. I could easily see the administrative implementers of the treaties in both governments referring to this text to indicate how exactly they should proceed on this or that buried codicil. Readers interested in the deep legal specifics of the EU-Korea relationship need to look no further. This is the state of the art.

But herein is the downside. This is not really diplomatic history (DH), international relations (IR), or even social science traditionally understood. There is no narrative, theory development, concept formation, variables, manipulation, testing, or the other architecture of social science. It is a straightforward explication of the treaties, in some instances even section by section. Hence, it reads more like a legal brief–a formal, legal-interpretive gloss on the two treaties–than scholarship. Outside of EU and Korean foreign ministries, a few very narrow legal courses at the graduate level, and perhaps businesses caught in the FTA's dispute resolution, I wonder who would use this volume. There is very little political or historical context, why both sides thought this deal was a good idea, who the domestic winners and losers are from the deals and how they might respond, where non-implementation is likely and what strains that would create, how this relationship arguably balances the United States and China, and so on. Indeed, IR/DH scholars accustomed to viewing treaties and international organizations as weakly binding prickly sovereign states, will find the working assumption of the volume–that Korea and the EU do in fact feel obliged to follow through on the "best endeavor" language of much of the treaties–rather surprising, noble, or quaint.

The book is divided into three sections. The first is a brief introduction to the legal frameworks of the relationship on both sides. The second covers the FTA; the third, the larger Framework Agreement. Section 1's most interesting observations concern process. On the EU side, treaties such as these are growing more and more difficult to clinch as the European Parliament pushes into a ratification process already ambiguously divided between member states, the European Commission, and the European Council. Conversely, on the Korean side, the centralization of Korean political life on a dominant executive, and its partial capture by Korea's large conglomerates, the *chaebol*, is clear. This will be no surprise to students of Korean political economy. The input of the National Assembly and third sector were all but ignored in the negotiations.

Section 2 covers the FTA. The focus is broadly on harmonization–how to create enough of a common legal framework that firms on both sides will actually take

advantage of the FTA. Given the sheer complexity of the 1,100-page final text, this is a huge question, and I remain somewhat skeptical that any but the largest firms with the requisite legal staffs will be able to navigate what is really a PTA (preferential or political trade agreement) rather than a "free" trade agreement. Much of the burden of legal adjustment will fall on Korea, a point not made clearly enough in the text, and a real missed opportunity for investigation, as most readers will probably be more familiar with the EU than Korea. State capitalism is practically a national reflex in Korea, and many of Korea's typical market interventions, such as soft credit for national champions or sanitization of the won's appreciation, will create serious tension if the EU attempts to pull Korea toward more neoliberal norms. Clashing industrial policies are at the heart of trade friction between European and Asian states, making it a minor miracle that this FTA was clinched at all. And it is very obvious from many of the essays that the EU was pushing its preferences quite hard, especially in areas like the environment and sustainability, against resistant Korean negotiators who watered down mandatory language into "hortatory" expression whenever possible.

Section 3 covers the larger "Framework Agreement" between the two sides. A "framework agreement," apparently, is a large, overarching legal statement of values and principles between two states (treating the EU as such in these instances), within which the economic issues of an FTA fall as one section. The Korea-EU one fills out their earlier declaration of a "Strategic Partnership," with a modicum of meeting and committees between the two sides to discuss the Framework's implementation. IR scholars will almost certainly find this "talk shop" intergovernmentalism, and it shows the great gap between the professions that the international lawyers of this volume take the Framework so seriously.

Their treatment goes beyond liberal internationalism. This is the outright legalization of world politics–with voluminous references to treaties, UN covenants, World Trade Organization decisions, and other international "case law" regarding the Framework's implementation. The volume's working assumption is that states can, do, and should follow these global governance rules. For scholars raised on power politics, balancing, hegemony, and the like, it is fascinating to read about all this case law we were never taught, and one wonders how seriously states' foreign ministries take such legal reference. Indeed, the central empirical question flowing from the text is whether all this global governance lawyering actually has binding or constraining effects on foreign ministries. Do policymaking bureaucracies meaningfully alter their behavior in reference to all these international rules and case law as the international lawyers of this book suggest? Judging from the book, the EU seems to, while the Koreans do not.

As in the previous section, this one focuses on the formal statements of the Framework, laying out which rules structure which joint committees about which issues descended from which UN convention. It is fairly overwhelming, but also rather inspiring to see such gallant rule-building efforts. Realists accustomed to rejecting interstate guidelines as dispensable flimflam will likely be amazed at the sheer scope and detail of the relations between these two democracies. That said, the language is once again heavily "best endeavor," the monetary sums involved are small, and more "dialogue" is often the answer to thorny issues.

Finally, there is once again a strong vibe that the EU is pushing a lot of "post-material" goals on mercantilist-developmentalist Korea. The chapters cover areas such as climate change, nontraditional security, and data privacy, where Korean interest seems tepid at best. The writers seem frustrated that Korea really only wants a trade relationship from the EU and drags its feet otherwise, an outcome I proposed more than a year ago.[1] The book would have benefited from more Korean authors, or more specifically, from a greater treatment of the Korean side, for even the Korean contributors to the volume unfortunately spend a lot of time writing about the EU. Ironically, that in itself is internal evidence that the dimensions of the relationship beyond trade were mostly pushed by the EU. Even the Korean contributors end up writing about the EU's preferences, because the Korean government just wanted an FTA and brought little else to the table.

In fact, this imbalance runs throughout the book–the EU side is almost always the point of origin for the discussion, the instigator of whatever idea, beyond trade, is under discussion, and its language shapes most of the debates put forward in the book. Intellectually, this is a shame–a major opportunity to introduce an Anglophone readership to the little-known, under-researched Korean foreign policy process is missed. But this Eurocentricism is also the natural result of how disinterested the Koreans were in more than trade–likely, I would argue, because statist-sovereigntist Korea does not much share the EU's liberal, global governance preferences.

Unfortunately the book ends just like that. There is no concluding chapter, reinforcing again the perception that this is a legal handbook, not traditional social science.

This is an excellent book as far as it goes. International lawyers in this area, including in the large firms from both sides that will expand under the FTA into the other's territory, will find this very useful, particularly for dispute settlement purposes. For the rest of us, this is a challenging text. For those in DH and IR, probably the greatest insights are how institutionalized democracies' relations can be, contra our expectations from anarchy, and how difficult harmonization and integration are when both parties have long national traditions of statist economic management.

Note

[1]. Robert E Kelly, "Korea-European Union Relations: Beyond the FTA?" *International Relations of the Asia-Pacific* 12, no. 1 (2012): 101-132.

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